

**TOWN OF ELSMERE  
BOARD OF ADJUSTMENTS  
MEETING MINUTES  
JUNE 22, 2010  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE:**

**CALL TO ORDER:**

**ROLL CALL:**

Board Member Patricia Boyd – Present  
Board Member James Personti – Present  
Board Member John Smith – Present  
Board Member Thomas Manuel – Present  
Chairman Paul Chalfant – Absent

**OLD BUSINESS:**

None

**NEW BUSINESS:**

The Board of Adjustment Reviewed Petition 10-06 tax parcel number 1900-100-241 also known as 6 Rigdon Road.

The applicant seeks to appeal a decision made by the Code Enforcement Officer regarding roofing materials that were used that are not approved for this type of roof.

Mr. Dave Gebhart presented his request to use shingles on a roof whose pitch is less than 2:12. His roof was measured at 1:12 and therefore when the Code Enforcement Officer did the final inspection they failed the inspection. He is requesting that the Board of Adjustment overturn the decision made by the Code Enforcement Office to deny the final inspection of this project.

Board Member Manual asked the Code Enforcement Officer what the requirements were for a roof like this.

Code Enforcement Officer Brian Swift stated that any roof that measures less than a 2:12 slope is not approved for the use of shingles by the Building Code or the manufacturers specifications.

Mr. Gebhart stated that this is a roof that is over a porch and not a bedroom, and the room is used for appliances such as a washer and dryer.

Board Member Manual stated that he feels the contractor should have known that this was not approved, and the homeowner requested this. He stated he felt the homeowner should be responsible.

Board Member Boyd asked how Code Enforcement Found out about this.

Officer Swift stated that the contractor pulled a permit and called for a final inspection.

**ACTION:** A motion was made by Board Member Smith to Deny Petition 10-06. The motion was seconded by Board Member Boyd.

**VOTE:**

All in favor      Vote: 3-1 with 1 Absent      Motion Carried

**ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:**

None

**PUBLIC COMMENT:**

Mr. Gebhart commented that he felt he was not properly notified regarding tonight's meeting. He received no letter from the Code Enforcement Office.

Officer Swift stated that the Code Enforcement Office had spoken with him when he submitted his application and given him the date and time, as well as given him the date and called him early in the day to remind him about the meeting.

The Members of the Board requested that the Town look into this.

**APPROVAL OF MINUTES:**

Minutes from the May 25, 2010 Board of Adjustment Meeting

**ACTION:** A motion was made by Board Member Smith to approve the minutes of the May 25, 2010 Board of Adjustment Meeting. The motion was seconded by Board Member Boyd.

**VOTE:**

All in favor      Vote: 4-0 with 1 Absent      Motion Carried

Minutes from the March 23, 2010 Board of Adjustment Meeting

**ACTION:** A motion was made by Board Member Smith to approve the corrected minutes of the March 23, 2010 Board of Adjustment Meeting. The motion was seconded by Board Member Boyd.

**VOTE:** All in favor    Vote: 4-0 with 1 Absent    Motion Carried

**ADJOURNMENT:**

**ACTION:** A motion was made by Board Member Boyd to adjourn. The motion was seconded by Board Member Smith.

**VOTE:** All in favor    Vote: 4-0 with 1 Absent    Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the June 22, 2010 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

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**PAUL CHALFANT, CHAIRMAN**

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**JAMES PERSONTI, SECTRARY**